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37 C.F.R. 1.8

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October 19, 2004
Date

Steven L. Highlander

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tracey BROWN and Richard FOX

Serial No.: 10/088,774

Filed: March 18, 2002

For: HYALURONAN AS A CYTOTOXIC
AGENT, DRUG PRE-SENSITIZER AND
CHEMO-SENSITIZER IN THE
TREATMENT OF DISEASE

Group Art Unit: 2305

Examiner: R. Berko

Atty. Dkt. No.: DACO:002US/SLH

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP: AF

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed May 19, 2004, finally rejecting claims 13-50.

The fee for filing this Notice of Appeal is \$170.00 and is attached hereto.

Also, a request for a two-month extension of time to respond is included herewith. The

extension fee is included in the attached check with the Notice of Appeal fee. This two-month

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extension will bring the due date to October 19, 2004. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/DACO:002US/SLH.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,



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Date: October 19, 2004